

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LOREN MICHAEL TAYLOR,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent,

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No. 4:16-CV-757 HEA

MEMORANDUM AND ORDER

This matter is before the Court on movant's motion to clarify. On May 31, 2016, the Court construed movant's pleading to be a successive motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, and it transferred the action to the Court of Appeals. Movant asks for clarification as to why the Court transferred this action.

Movant says he did not intend his pleading to be a § 2255 motion. He says he only wanted the Court to appoint counsel for him so that he could file a proper application in the Court of Appeals.

The Court construed the pleading as a successive § 2255 motion for two reasons. First, the Court cannot appoint counsel to represent movant in the Court of Appeals. Second, the pleading contained enough information to raise a cognizable claim under *Johnson*, if given a liberal construction. Because the one-year time limit for filing a claim under *Johnson* expires soon, the Court found it appropriate to so construe it and to transfer it to the Court of Appeals. Additionally, in its transfer Order, the Court directed the Clerk to notify the Federal Public Defender of movant's case.

If movant wishes to have counsel represent him before the Court of Appeals, he should file a motion in that court.

This Court's intention is that movant have a full and fair opportunity to raise his *Johnson* claim.

Accordingly,

IT IS HEREBY ORDERED that movant's motion to clarify [ECF No. 6] is **GRANTED**.

Dated this 13th day of June, 2016.



HENRY E. AUTREY
UNITED STATES DISTRICT JUDGE